MEMORANDUM

TO: Joseph A. Trotter, Jr., Director, ATAP
FROM: Caroline S. Cooper, Courts Coordinator, ATAP
DATE: February 5, 1988
SUBJ: T/A Assignment No. 127: Seminar on Implementation of Louisiana's Civil Court Delay Reduction Program

This memorandum serves as the report for the above-referenced assignment.

As you know, this assignment was undertaken as a joint effort of the ATAP in follow-up to the December 1986 Atlanta Court Delay Reduction Workshop with the ABA's Task Force on Reduction of Litigation Cost and Delay. Doug Somerlot has provided us with a set of the written Conference materials and will be sending us a video tape of one session.

The seminar, which was held on January 22, 1988 in New Orleans, was held for the purpose of implementing Louisiana's Pilot Court Delay Reduction Project. The Conference materials consist of (1) specific information relating to Louisiana's court delay reduction project and materials relating to court delay reduction efforts generally; (2) "Caseflow Management in the Trial Court: Now and For the Future" by Maureen Solomon and Douglas Somerlot published by the ABA, which is an update to Maureen's 1974 ABA monograph; (3) "Defeating Delay: Developing and Implementing a Court Delay Reduction Program, prepared by the ABA and based upon the ABA's Court Delay Reduction Standards; and (4) a brochure on the ABA Satellite Seminar "Reducing Costs and Delays in Trial Courts" which will be conducted March 10, 1988 at 46 sites in 29 states (including Louisiana) and the District of Columbia. These publications are on file with our reference collection. Attached, as Appendix "A", are copies of the Table of Contents of each of these publications.

The seminar was held in follow-up to the Atlanta 1986 National Workshop on Court Delay Reduction conducted by the Institute for Court Management/National Center for State Courts and attended by representatives from Louisiana's Committee on Time Standards for District Courts. A list of Committee Members is attached. (Appendix "B")

The pilot project will involve the following five sites:

- 7th Judicial District Court, Harrisonburg
- 15th Judicial District Court, Lafayette
- 19th Judicial District Court, Baton Rouge
Memorandum

Joseph A. Trotter
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- 37th Judicial District Court, Columbia
- Civil District Court of Orleans Parish

These sites were selected to provide a cross-section of jurisdictions reflecting the diversity of population size, locations and caseloads in the state’s District Courts.

ATAP services were provided by Ernest Friesen and Maureen Solomon. A copy of the conference agenda, which describes the focus of their assistance, is attached as Appendix "C". In addition, the ATAP has provided the funds for the above-noted materials which were distributed to each attendee.

Approximately 75 judges, attorneys and court staff attended the session (only 50 were originally expected). Implementation of the court delay reduction program represents a major change in "local legal culture" and enthusiasm for the project is greater in some jurisdictions than in others. However, the seminar appears to have provided a major impetus for launching the project among the participating sites and generating interest among others in the state.

Using the information and guidance provided at the seminar, the five pilot sites will now complete their implementation plans, each of which is unique to the participating jurisdiction. Implementation of the pilot projects is scheduled for mid-August.

Attached as Appendix "D" is a letter from Dr. Hugh Collins, Deputy State Court Administrator for Louisiana, who requested this assistance on behalf of the Committee.

CSC/dfr

Appendices:

A. Conference Materials "Tables of Content"
B. List of Members of Louisiana's Committee on Time Standards for District Courts
C. Conference Agenda
D. Letter from Dr. Hugh Collins, Deputy State Court Administrator regarding the seminar
APPENDIX "A"

Conference Materials "Tables of Content"
Louisiana Supreme Court

Committee on Time Standards for District Courts

Pilot Implementation Project

COURSE BOOK
January 22, 1988

Pilot Sites:

- 7th Judicial District Court, Harrisonburg
- 15th Judicial District Court, Lafayette
- 19th Judicial District Court, Baton Rouge
- 37th Judicial District Court, Columbia
- Civil District Court of Orleans Parish

Presented by:

Lawyers Conference Task Force
on Reduction of Litigation Cost and Delay
Judicial Administration Division
American Bar Association
Theodore A. Kolb, Chairman
Douglas K. Somerlot, Project Director

Financial support for this workshop has been provided by a grant from the Bureau of Justice Assistance, U.S. Department of Justice to the EMT Group, Inc.
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| 2       | Biographical Sketches of Faculty  
Participant List |
| 3       | Resource Materials, Caseflow Management  
Fidel, "Why the Court Measures Delay from Commencement." State Court Journal 10 (1986)12 |
| 4       | Resource Materials, Backlog Reduction |
| 5       | Resource Materials, Development and Implementation of Delay Reduction Programs  
Myers, "We Know What's in It for Judges, But What's in it for Lawyers?" The Judges Journal 23 (1984)  
| 6       | San Diego, Ca. Delay Reduction Program |
| 7       | Bibliography |
| 8       | Schedule for Future Activities |

**NOTE:** Each participant received a copy of Defeating Delay: Developing and Implementing a Court Delay Reduction Program and Caseflow Management in the Trial Court: Now and For the Future prior to arrival.
Reducing Costs and Delays in Trial Courts

The Team Approach to Successful Organization, Design and Implementation of Delay Reduction Programs
Reducing Costs and Delays in Trial Courts

Research suggests that cases concluded more rapidly are less expensive to the litigants. This program responds to a current issue of interest to the bench and bar, providing useful information to the judicial system, the practicing lawyer and the individual litigant. Over half of the states now have statewide or local delay reduction programs. Surveys disclose that one of the public’s most serious criticisms of the courts is that litigation takes too long and costs too much.

The bar’s continuing concern for the problems of excessive cost and delay is evidenced by the ABA’s adoption of revised standards relating to trial court delay reduction, by the recent reports of the ABA Commission on Professionalism and the Action Commission on Reform of the Tort Liability System, and by the existence of the Task Force on Reduction of Litigation Cost and Delay, the sponsor of this seminar. The bench’s concern for this problem also remains at a high level. The court problems most frequently mentioned by judges responding to a recent survey in the National Law Journal are the backlog of old cases and the high cost of litigation. Caseflow management and delay reduction are topics that appear on virtually every court administration program.

A number of techniques, such as active caseflow management by the courts, use of adjunct decision makers, and various types of court-annexed alternate dispute resolution systems, have been used effectively to reduce the amount of time required to process cases. Although the means to defeat delay exist, a major problem is education. The techniques for dealing with litigation delay must be communicated to the leaders of the bench and bar so that effective programs may be developed and implemented.

This seminar will present basic information on successful trial court delay reduction programs. The topics will stress development and implementation of delay reduction programs based upon court supervision of caseflow from the time of filing, the technique that has proven most successful in courts. Examples from courts that have successfully reduced costs and delay will be provided by judges, administrators, lawyers and nationally recognized court administration experts.

Participants will have the opportunity to question the televised panelists. Tuition includes extensive program materials which will be lasting reference guides to the participants.

Program Schedule — March 10, 1988

<table>
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<tr>
<th>Registration</th>
<th>Eastern</th>
<th>Central</th>
<th>Mountain</th>
<th>Pacific</th>
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<tr>
<td>11:30 a.m.</td>
<td>10:30 a.m.</td>
<td>9:30 a.m.</td>
<td>8:30 a.m.</td>
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<tr>
<td>National Telecast</td>
<td>12:00 noon</td>
<td>11:00 a.m.</td>
<td>10:00 a.m.</td>
<td>9:00 a.m.</td>
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Schedule includes a 20-minute coffee break. (Lunch is not included—Registrants may wish to bring a snack.)

Presentation of Topics

12:00 - 12:10 p.m. EST
Introduction

12:10 - 12:40
Overview

12:40 - 12:55
• Active management of the caseload from filing
• Early and continuous control of the caseload
• Short scheduling
• Date certain scheduling/events occur when scheduled

12:55 - 1:10
• Role of state Supreme Court in trial court delay reduction programs
• Development of Statewide rules and statutory amendments
• Assignment of temporary additional judicial resources
• Public support with bar and public interest groups

1:10 - 1:25
• Local Judicial leadership and commitment
• Role of presiding/chief judge
• Selection of presiding/chief judge
• Building commitment among the bench

1:25 - 1:40
• Development of overall and intermediate time standards

Questions and Answers

Break

2:45 - 3:00

3:00 - 3:45

3:45 - 4:00

4:00

Program Ends

• How the ABA standards came to be developed
  • Percentage approach
  • Use of intermediate events

• Monitoring the progress of the cases
• What the judges need to know
• Designing the monitoring system to respond to judicial needs
• Using the system to perform judicial related activities

• Role of the individual judges
• What an individual judge can do
• A judge’s perceptions of attorney attitudes

• Living under a delay reduction program: What can go wrong and how to fix it
  • The Judge’s perspective
  • The administrator’s view
  • The lawyer’s view
DEFEATING DELAY

Developing and Implementing a Court Delay Reduction Program

Based Upon the American Bar Association's Court Delay Reduction Standards
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Foreword by W

On the occasion of his ascent, Francis Bacon observed, “Fresh centuries later, all who work in administrators, and staff—continuing of justice at the least cost in the theoretical tract. The approach here court delay that “many experts in many places.” In a sense, this successes in implementing court

Changes in our civil justice too much delay as caseloads alone, for example, the number nearly tripled from 112,606 when the number of judges has increased more cases are to be handled by

While the Manual takes the judiciary is central to reducing delay, the organized bar is imperative to the system that needs change. Only together will needed changes be

Many other books deal with delay. This Manual is written dedication of the Bar to the just Conference Task Force in producing of the profession seeking to imp

I commend this Manual to others, interested in the kind of vide “fresh justice.”
CASEFLOW MANAGEMENT IN THE TRIAL COURT

Now and For the Future

Maureen Solomon
Douglas K. Somerlot

Task Force on Reduction of Litigation Cost and Delay
Judicial Administration Division

American Bar Association
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APPENDIX "B"

List of Members of Louisiana's Committee
on Time Standards for District Courts
Committee on Time Standards for District Courts

Honorable Gerald P. Fedoroff (Chairman)
Judge, Orleans Parish Civil District Court
421 Loyola Avenue
New Orleans, Louisiana 70112
(504) 525-1475

Honorable Walter F. Marcus, Jr.
Associate Justice, Supreme Court of LA
301 Loyola Avenue
New Orleans, Louisiana 70112
(504) 568-5730

Honorable Jerome E. Domengeaux
(Representative, Courts of Appeal)
Judge, Court of Appeal, Third Circuit
Post Office Box 2096
Lafayette, Louisiana 70502
(318) 235-0790

Honorable John R. Joyce
Judge, Fourth Judicial District Court
300 St. John Street
Monroe, Louisiana 71201
(318) 387-8071

Honorable W. C. Falkenheiner
Judge, Seventh Judicial District Court
Concordia Parish Courthouse, Highway 84
Vidalia, Louisiana 71373
(318) 336-7121

Honorable Alfred A. Mansour
Judge, Ninth Judicial District Court
Post Office Box 66
Alexandria, Louisiana 71309
(318) 473-6760

Honorable Hugh E. Brunson
Judge, Fifteenth Judicial District Court
Post Office Drawer 446
Crowley, Louisiana 70527
(318) 783-3041

Honorable C. Thomas Bienvenu, Jr.
Judge, Sixteenth Judicial District Court
St. Martin Parish Courthouse
St. Martinville, Louisiana 70582
(318) 394-9793

Honorable Joseph F. Keogh
Judge, Nineteenth Judicial District Court
222 St. Louis Street, Suite 602
Baton Rouge, Louisiana 70801
(504) 389-4787

Honorable William F. Kline, Jr.
Judge, Twentieth Judicial District Court
Post Office Box 527
Clinton, Louisiana 70722
(504) 693-5244

Honorable John W. Greene
Judge, Twenty-Second Judicial District Court
327 North New Hampshire Street
Covington, Louisiana 70433
(504) 892-9369

Honorable Jacob L. Karno
Judge, Twenty-Fourth Judicial District Court
Gretna Courthouse
Gretna, Louisiana 70053
(504) 363-5431

Honorable Joel T. Chaisson
Judge, Twenty-Ninth Judicial District Court
Post Office Box 788
Amite, Louisiana 70422
(504) 783-2923 LINC 621-8437

Mr. John B. McKinley
(Representative, Trial Lawyers Association)
Attorney at Law
Post Office Box 1158
Monroe, Louisiana 71210
(318) 323-4413

Mr. Robert E. Leake, Jr.
(Representative, Defense Counsel Association)
Attorney at Law
2500 One Canal Place
New Orleans, Louisiana 70130-1193
(504) 581-2121
APPENDIX "C"

Conference Agenda
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<tbody>
<tr>
<td>9:00</td>
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<tr>
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<td>Hon. Gerald P. Federoff, Dr. Hugh M. Collins</td>
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<tr>
<td>9:15</td>
<td>The Delay problem and the Objectives of the Justice System</td>
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<td></td>
<td>Ernest C. Friesen</td>
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<tr>
<td>10:00</td>
<td>BREAK</td>
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<tr>
<td>10:15</td>
<td>The Elements of Caseflow Management</td>
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<tr>
<td></td>
<td>Douglas K. Somerlot</td>
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<tr>
<td>11:00</td>
<td>Questions to Somerlot or Friesen</td>
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<tr>
<td>11:20</td>
<td>Designing a Monitoring System</td>
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<td>Maureen Solomon</td>
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<td>12:00-1:15</td>
<td>LUNCH</td>
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<tr>
<td>1:15</td>
<td>Dealing with the Backlog</td>
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<td>Maureen Solomon</td>
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<td>2:00</td>
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<td>Implementing a Program</td>
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<tr>
<td></td>
<td>Introduction</td>
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<td></td>
<td>Friesen</td>
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<tr>
<td>2:25</td>
<td>TO BE PRESENTED BY VIDEO TAPE:</td>
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<td></td>
<td>Judge's Perspective</td>
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<td>Hon. Michael Graer</td>
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<td>Staff's Perspective</td>
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<td>Pearl Taylor</td>
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<td>Ronald Overholt</td>
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<td>Questions</td>
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<td>BREAK</td>
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<td>3:30</td>
<td>Wrap Up</td>
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<td>Friesen, Solomon, Somerlot, Collins</td>
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<tr>
<td>4:00</td>
<td>Where do we go from here?</td>
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<tr>
<td></td>
<td>Collins</td>
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<td></td>
<td>Somerlot</td>
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APPENDIX "D"

Letter from Dr. Hugh Collins, Deputy State Court Administrator
Regarding the Seminar
Mr. Joseph A. Trotter, Jr.
The EMT Group, Inc.
3615 Wisconsin Avenue, N.W.
Washington, D.C. 20016

Dear Mr. Trotter:

Please forgive me for being so slow in writing to you. We are short of staff in the Judicial Administrator's office and everything seems to be running behind.

As you know, a team from Louisiana attended the Trial Court Delay Reduction Seminar in Atlanta last December. That team was "converted" by the conference. When they returned to Louisiana, they began studies and other activities which culminated in a commitment to attempt to implement the ABA civil time standards in five pilot sites.

Thanks to your assistance we were able to hold a training seminar (similar to but small than the one in Atlanta) for the judge, clerks, administrators, and lawyers of these pilot sites. I am pleased to report that the presentations at the seminar were of extremely high quality and were very well received. Thanks to this seminar our pilot implementation project is off to a very good start.

Sincerely,

Hugh M. Collins, Ph.D.
Acting Judicial Administrator

cc: Ms. Linda McKay
U.S. Department of Justice
Bureau of Justice Assistance
633 Indiana Avenue, N.W.
Washington, D.C. 20531